

IC 31-18-2

Chapter 2. Jurisdiction

IC 31-18-2-1

Basis for jurisdiction over nonresident

Sec. 1. In a proceeding to establish, enforce, or modify a support order or to determine paternity, an Indiana tribunal may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- (1) the individual is personally served with notice in Indiana;
- (2) the individual submits to the jurisdiction of Indiana by:
 - (A) consent;
 - (B) entering an appearance, except for the purpose of contesting jurisdiction; or
 - (C) filing a responsive document having the effect of waiving contest to personal jurisdiction;
- (3) the individual resided in Indiana with the child;
- (4) the individual resided in Indiana and has provided prenatal expenses or support for the child;
- (5) the child resides in Indiana as a result of the acts or directives of the individual;
- (6) the individual engaged in sexual intercourse in Indiana and the child:
 - (A) has been conceived by the act of intercourse; or
 - (B) may have been conceived by the act of intercourse if the proceeding is to establish paternity;
- (7) the individual asserted paternity of the child in the putative father registry administered by the state department of health under IC 31-19-5; or
- (8) there is any other basis consistent with the Constitution of the State of Indiana and the Constitution of the United States for the exercise of personal jurisdiction.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-2

Procedure when exercising jurisdiction over nonresident

Sec. 2. An Indiana tribunal exercising personal jurisdiction over a nonresident under section 1 of this chapter may apply:

- (1) IC 31-18-3-16 to receive evidence from another state (special rules of evidence established by this article regarding long arm jurisdiction cases); and
 - (2) IC 31-18-3-18 to obtain discovery assistance through a tribunal of another state (special rules of procedure established by this article for obtaining discovery in long arm jurisdiction cases).
- In all other respects, the tribunal shall apply the procedural and substantive law of Indiana, including the rules on choice of law other than those established by this article.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-3

Initiating and responding tribunals

Sec. 3. An Indiana tribunal may serve as:

- (1) an initiating tribunal under this article to forward proceedings to another state; and
- (2) a responding tribunal for proceedings initiated in another state.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-4

Simultaneous proceedings in another state

Sec. 4. (a) An Indiana tribunal may exercise jurisdiction to establish a support order if the petition is filed after a petition or comparable pleading is filed in another state only if:

- (1) the petition is filed in Indiana before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
- (2) the contesting party timely challenges the exercise of jurisdiction in the other state; and
- (3) Indiana is the home state of the child, if relevant.

(b) An Indiana tribunal may not exercise jurisdiction to establish a support order if the petition is filed before a petition or comparable pleading is filed in another state if:

- (1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in Indiana for filing a responsive pleading challenging the exercise of jurisdiction by Indiana;
- (2) the contesting party timely challenges the exercise of jurisdiction in Indiana; and
- (3) the other state is the home state of the child, if relevant.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-5

Continuing exclusive jurisdiction

Sec. 5. (a) An Indiana tribunal that issues a support order consistent with Indiana law has continuing, exclusive jurisdiction over a child support order:

- (1) if Indiana remains the residence of the:
 - (A) obligor;
 - (B) individual obligee; or
 - (C) child for whose benefit the support order is issued; or
- (2) until each individual party has filed written consent with the Indiana tribunal for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

Nothing in this section is intended to divest a court of jurisdiction to enforce a judgment that has been previously issued in favor of any party, including any state or to prevent a Title IV-D agency or its agents from collecting on a judgment previously issued through a judicial or an administrative proceeding.

(b) An Indiana tribunal that issues a child support order consistent with Indiana law may not exercise its continuing jurisdiction to modify the order if the order has been modified by a tribunal of another state

that has exercised continuing, exclusive jurisdiction over the order under a law substantially similar to this article.

(c) If an Indiana child support order is modified by a tribunal of another state under a law substantially similar to this article, the Indiana tribunal:

(1) loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in Indiana; and

(2) may only:

(1) Enforce the order that was modified concerning amounts accruing before the modification.

(2) Enforce nonmodifiable aspects of that order.

(3) Provide other appropriate relief for a violation of the order that occurred before the effective date of the modification.

(4) Recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

(d) An Indiana tribunal shall recognize the continuing, exclusive jurisdiction of a tribunal of another state that has issued a child support order under a law substantially similar to this article.

(e) A temporary support order issued ex parte or a pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

(f) An Indiana tribunal that issues a support order consistent with Indiana law has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. An Indiana tribunal may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over the order under the law of the other state.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-6

Enforcement and modification of support order by tribunal having continuing jurisdiction

Sec. 6. (a) An Indiana tribunal may serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that other state.

(b) An Indiana tribunal having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply:

(1) IC 31-18-3-16 regarding receiving evidence from another state; and

(2) IC 31-18-3-18 regarding obtaining discovery through a tribunal of another state.

(c) An Indiana tribunal that lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-7

Recognition of child support orders

Sec. 7. (a) If a proceeding is brought under this article and one (1) or more child support orders have been issued in Indiana or another state with regard to an obligor and a child, an Indiana tribunal shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one (1) tribunal has issued a child support order, the order of that tribunal is controlling and must be recognized.

(2) If two (2) or more tribunals have issued child support orders for the same obligor and child, and only one (1) of the tribunals has continuing, exclusive jurisdiction in accordance with this article, the order of that tribunal is controlling and must be recognized.

(3) If two (2) or more tribunals have issued child support orders for the same obligor and child, and more than one (1) of the tribunals has continuing, exclusive jurisdiction in accordance with this article, an order issued by a tribunal in the current home state of the child must be recognized. However, if an order has not been issued in the current home state of the child, the order most recently issued must be recognized.

(4) If two (2) or more tribunals have issued child support orders for the same obligor and child, and none of the tribunals has continuing, exclusive jurisdiction in accordance with this article, the Indiana tribunal shall issue a child support order that is controlling and must be recognized.

(b) The tribunal that has issued an order recognized under subsection (a) is the tribunal having continuing, exclusive jurisdiction.

(c) If two (2) or more child support orders have been issued for the same obligor and child and if the obligor or the individual obligee resides in Indiana, a party may request an Indiana tribunal to determine which order controls and must be recognized under subsection (a). The request must be accompanied by a certified copy of all support orders in effect. Each party whose rights may be affected by a determination of the controlling order must be given notice of the request for that determination.

As added by P.L.1-1997, SEC.10. Amended by P.L.213-1999, SEC.18.

IC 31-18-2-7.5

Determination of identity of controlling child support order

Sec. 7.5. (a) An Indiana tribunal that:

(1) determines by order the identity of the controlling child support order under section 7(a)(1), 7(a)(2), or 7(a)(3) of this chapter; or

(2) issues a new controlling child support order under section 7(a)(4) of this chapter;

shall include in that order the basis upon which the tribunal made the determination.

(b) Not later than thirty (30) days after issuance of the order determining the identity of the controlling order, the party obtaining the order shall file a certified copy of the order with each tribunal that has issued or registered an earlier order of child support. Failure of the party obtaining the order to file a certified copy as required subjects the

party to appropriate sanctions by a tribunal in which the issue of failure to file arises. However, the failure has no effect on the validity or enforceability of the controlling order.

As added by P.L.213-1999, SEC.19.

IC 31-18-2-8

Multiple child support orders for two or more obligees

Sec. 8. In responding to multiple registrations or petitions for enforcement of two (2) or more child support orders in effect at the same time regarding:

- (1) the same obligor; and
- (2) different individual obligees;

at least one (1) of which was issued by a tribunal of another state, an Indiana tribunal shall enforce the orders in the same manner as if the multiple orders had been issued by an Indiana tribunal.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-9

Credit for payments

Sec. 9. Amounts collected and credited for a period as the result of a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by an Indiana tribunal.

As added by P.L.1-1997, SEC.10.

IC 31-18-2-10

Authority to transfer and initiate petition to responding jurisdiction

Sec. 10. For purposes of this article, the Title IV-D agency or its agents have the authority to transfer and initiate a petition to a responding jurisdiction.

As added by P.L.1-1997, SEC.10.